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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,677	10/22/2003	Efren B. Aduana JR.		6144

7590 06/27/2005
Mr. Walter J. Tencza Jr.
Suite 3
10 Station Place
Metuchen, NJ 08840

EXAMINER

WELCH, GARY L

ART UNIT	PAPER NUMBER
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3765

DATE MAILED: 06/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/690,677

Applicant(s)

ADUANA ET AL.

Examiner

Gary L. Welch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☒ Claim(s) 10-20 is/are allowed.
 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
 7) ☒ Claim(s) 4-6 is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____.
 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____.
 5) ☐ Notice of Informal Patent Application (PTO-152)
 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Applicant's amendment, filed 21 March 2005, has been reviewed and considered. Claims 1-15 are amended and new claims 16-20 are added. Therefore, claims 1-20 are currently pending. In view of applicant's amendments and arguments, the prior art rejections presented in the first Office Action are withdrawn. However, an updated search and further review of the prior art of record has prompted the following rejections.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

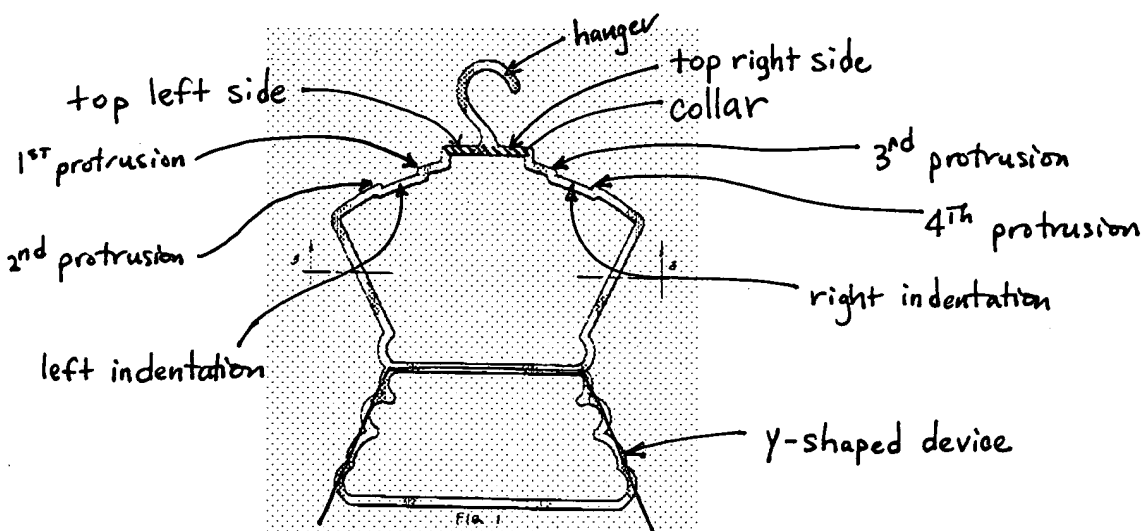
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Zuckerman (Des. 188,578).

Zuckerman discloses an apparatus comprising a collar, a left top side fixed to a right top side, a left side fixed to the left top side wherein the left side is at an angle of greater than 90 degrees with respect to the left top side, a right side fixed to the right top side wherein the right side is at an angle of greater than 90 degrees with respect to the right top side, wherein the left side lies between a first protrusion and a second protrusion so that the left side in combination with the first and second protrusions form a left indentation, wherein the right side lies

between a third protrusion and a fourth protrusion so that the right side in combination with the third and fourth protrusions form a right indentation wherein the left side is fixed to the left top side through the first protrusion and wherein the right side is fixed to the right top side through the third protrusion (see below).

Zuckerman discloses all structural elements claimed. The recitation "for use in knotting a necktie" is purely functional and does not provide any structure that defines over the structure of Zuckerman.



With regard to claim 2, a hanger loop is fixed to the left top side and right top side of the collar.

With regard to claim 3, a Y-shaped device having a top portion including a first end and a second end and a base having a third end is provided. The first end of the top portion of the Y-shaped device is fixed to the left side of the collar substantially near the second protrusion of the collar. The second end of the top portion of the Y-shaped device is fixed to the right side of the collar substantially near the fourth protrusion of the collar.

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With regard to claim 9, the top portion of the Y-shaped device is connected to the base of the Y-shaped device substantially at a knot tie point. The distance from the center of the left side of the collar to the center of the right side of the collar, the distance from the center of the left side of the collar to the knot tie point of the Y-shaped device and the distance from the center of the right side of the collar to the knot tie point of the Y-shaped device are approximately equal.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zuckerman (D188,578) in view of Brickhouse (U.S. 4,582,233).

Zuckerman discloses the invention substantially as claimed above.

However, Zuckerman does not disclose that the hanger collar is fabricated from wire.

Brickhouse teaches a hanger having a collar fabricated from wire. Wire is commonly used in manufacturing hangers since it is easily bendable and is relatively inexpensive.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to fabricate the hanger of Zuckerman from wire as taught by

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Brickhouse since wire is easily bendable and is relatively inexpensive thereby reducing manufacturing costs.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zuckerman (D188,578) in view of Simon (D159,554).

Zuckerman discloses the invention substantially as claimed above.

However, Zuckerman does not disclose that the collar is substantially solid.

Simon teaches a hanger having a collar that is substantially solid. While Simon does not disclose his reasons for having a solid collar, one of ordinary skill in the hanger making art would have found it obvious to manufacture a hanger from a solid sheet of material (such as plastic) via stamping or cutting processes so as to reduce manufacturing costs while providing a substantially rigid hanger for holding heavier weight clothing.

Allowable Subject Matter

7. Claims 10-20 are allowed.
8. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nathan '468 discloses a Y-shaped device for attachment to a clothing hanger. Collin '993 discloses a wire framed hanger having left and right indentations formed therein. Crew '079 discloses a wire framed hanger having a Y-shaped device attached thereto. Graham '576 discloses a hanger having a Y-shaped base. Kufchock '692 discloses a hanger having an extended portion attached to the base of the hanger. Frank '181 discloses a hanger having a Y-shaped device attached thereto.

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary L. Welch whose telephone number is (571) 272-4996. The examiner can normally be reached on Mon-Fri 5:30-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John J. Calvert can be reached on (571) 272-4983. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gary L. Welch
Primary Examiner
Art Unit 3765

glw